IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19673 of 2007(P)

PETITIONER:

MUHAMMED FAZLULLA.S., AGED 24 YEARS,
S/O.ABDU RAHIMAN, ARABIC TEACHER, AMLP SCHOOL,
KAITHAVALAPPA, TIRUR, MALAPPURAM DISTRICT.
RESIDING AT: SRAMBIKKAL HOUSE, P.O.CHERUVADI,
VIA MAVOOR, KOZHIKODE - 673 661.

BY ADV. SMT.LATHA PRABHAKARAN
SRI.K.M.JAMALUDHEEN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER, TIRUR.

3. THE ASSISTANT EDUCATIONAL OFFICER, TIRUR

4. THE MANAGER, AMLP SCHOOL, KAITHAVALAPPA,
TIRUR, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19673 OF 2007

Dated this the 27th day of June, 2007

JUDGMENT

Petitioner claims that he was appointed as Arabic Teacher in the school under the management of respondent no.4 with effect from June 5, 2006 in a retirement vacancy on a regular basis. However, his appointment was not approved by the Controlling Officer for the reason that approval of appointment of a senior teacher in the school, namely Sri.Abdul Razak, is yet to be approved. It is pointed out by the petitioner that the appointment of Abdul Razak is not likely to be approved at all, since at the time of his reappointment he was over aged. A perusal of Ext.P2 shows that the Director of Public Instruction has already found that Sri.Abdul Razak's appointment cannot be approved. Therefore, there is considerable force in the contention raised by the petitioner.

2. Anyhow, I do not propose to consider the merit of the above contentions, in view of the limited prayer made by the learned counsel for the petitioner at the Bar. He submits that the appeal preferred against the order of the controlling officer was dismissed by respondent no.2 and against that order he has filed Ext.P4 before

respondent no.1. Apparently respondent no.2 has passed Ext.P3 order without noticing Ext.P2 order passed by the Director on March 16, 2006. But the limited prayer made on behalf of the petitioner is to issue a direction to respondent no.1 to take a decision on Ext.P4 expeditiously. Learned Government Pleader submits if Ext.P4 has been preferred as contended by the petitioner, it will be heard and disposed of without any delay.

In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Ext.P4 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Needless to mention that petitioner and all others who are likely to be affected by the order that may be passed, shall be afforded sufficient opportunity to be heard before any decision is taken on Ext.P4. Petitioner shall produce a copy of the writ petition and a certified copy of the judgment before respondent no.1 for compliance.

A.K.BASHEER, JUDGE

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